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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,141	10/27/2003	Matt R. Hogstrom	RSW920030188US1	3273
23550 7590 02/08/2008 HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			EXAMINER SALL, EL HADJI MALICK	
			ART UNIT 2157	PAPER NUMBER
			NOTIFICATION DATE 02/08/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

**Office Action Summary**

Application No.

10/694,141

Applicant(s)

HOGSTROM ET AL.

Examiner

El Hadji M. Sall

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is responsive to the request for consideration filed on November 13, 2007. Claims 1-22 are pending. Claims 1-22 represent method, system and program product for communicating over a network.

2. ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Horvitz et al. U.S. 6,161,130.

Horvitz teaches the invention as claimed including technique which utilizes a probabilistic classifier to detect "junk" e-mail by automatically updating a training and re-training the classifier based on the updated training set (see abstract).

As to claim 1, Horvitz teaches a method, a system and a program product stored on a recordable medium for communicating over a network, the method comprising:

- obtaining a set of rules for classifying messages on a client (column 8, lines 40-45);
- providing a message on the client to be sent to a server (figure 1);
- classifying the message on the client based on the set of rules (column 24, lines 59-60); and
- sending the message to the server based on the message classification (figure 1).

As to claim 2, Horvitz teaches the method of claim 1, wherein the providing step comprises generating the message (figure 1).

As to claim 3, Horvitz teaches the method of claim 1, further comprising periodically requesting an updated set of rules from the server (column 10, lines 39-49).

As to claim 4, Horvitz teaches the method of claim 1, wherein the classifying step includes matching an attribute of the message with at least one of the set of rules (column 15, lines 10-18).

As to claim 6, Horvitz teaches the method of claim 1, further comprising opening a connection with the server for the message (column 6, lines 1-2).

**4.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 7-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al. U.S. 6,161,130 in view of Ogimoto et al. U.S. 6,032,205.

Horvitz teaches the invention substantially as claimed including technique which utilizes a probabilistic classifier to detect "junk" e-mail by automatically updating a training and re-training the classifier based on the updated training set (see abstract).

As to claim 5, Horvitz teaches the method of claim 1

Horvitz fails to teach explicitly adjusting a port for the message.

However, Ogimoto teaches crossbar switch system for always transferring normal messages and selectively transferring broadcast messages from input buffer to output buffer when it has sufficient space respectively. Ogimoto teaches adjusting a port for the message (column 4, lines 26-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Horvitz in view of Ogimoto to provide adjusting a port for the message based on the classification prior to the sending step. One would be motivated to do so to allow signal line fit the port.

As to claims 7 and 8, Horvitz teaches the method of claims 1 and 7, respectively.

Horvitz fails to teach explicitly a first port.

However, Ogimoto teaches a first port (column 11, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Horvitz in view of Ogimoto to provide receiving a response message from the server, wherein the classified message and the response message are communicated over a first port, and wherein the first port is not a default port. One would be motivated to do so to allow transmitting the message (abstract).

As to claim 9, Horvitz teaches the method of claim 1.

Horvitz fails to teach explicitly monitoring a plurality of ports.

However, Ogimoto teaches separately monitoring a plurality of ports (column 13, lines 43-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Horvitz in view of Ogimoto to provide separately monitoring a plurality of ports on the server for messages. One would be motivated to do so to allow maintaining the health of the network.

As to claims 10, 15 and 20, Horvitz teaches a method, a system and a program product stored on a recordable medium for communicating over a network, the method comprising:

creating a set of rules for classifying messages (column 8, lines 40-45);  
providing the set of rules to a client (column 24, lines 59-60).

Horvitz fails to teach explicitly separately monitoring.

However, Ogimoto teaches separately monitoring (column 13, lines 43-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Horvitz in view of Ogimoto to provide separately monitoring on a server for classified messages having one of a plurality of message classifications based on the set of rules. One would be motivated to do so to allow security by preventing unauthorized access.

As to claims 11 and 19, Horvitz teaches the method and the system of claims 10 and 15.

Horvitz fails to teach explicitly a unique port.

However, Ogimoto teaches a unique port (column 11, lines 21-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Horvitz in view of Ogimoto to provide receiving a classified message from the client through a unique port. One would be motivated to do so to allow determine whether the message is a normal message or a broadcast message (column 11, lines 23-24).

As to claim 12, Horvitz teaches the method of claim 11, further comprising:  
processing the classified message (figure 2); and  
sending a response message to the client (figure 1).

As to claim 13, Horvitz teaches the method of claim 10, further comprising  
opening a connection with the client (column 6, lines 1-2)).

As to claim 14, Horvitz teaches the method of claim 10, further comprising:  
receiving a request from the client for an updated set of rules; and sending the  
updated set of rules to the client (column 10, lines 39-49).

As to claim 16, Horvitz teaches the system of claim 15, further comprising a  
plurality of processing systems, wherein each processing system processes messages  
having a unique message classification (figure 3A).



As to claim 17, Horvitz teaches the system of claim 15, further comprising a classification system for classifying messages on a client (column 24, lines 59-60).

As to claim 18, Horvitz teaches the system of claim 15, further comprising a maintenance system for periodically requesting the set of rules from the server (column 10, lines 39-49).

As to claim 21, Nishida teaches the program product of claim 20, further comprising program code for classifying messages on a client (column 24, lines 59-60).

As to claim 22, Nishida teaches the program product of claim 20, further comprising program code for periodically requesting the set of rules from the server (column 10, lines 39-49).

**6.                                      *Response to Arguments***

Applicant's arguments with respect to claim 1-22 have been considered but are moot in view of the new ground(s) of rejection.

**7. Conclusion**

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall  
Patent Examiner  
Art Unit: 2157



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